

## WOODBURY COUNTY ATTORNEY

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February 9, 2017

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Chief Doug Young  
Sioux City Police Department  
601 Douglas St.  
Sioux City, Iowa 51101

RE: Officer Involved Shooting Death – Daniel Riedmann

Dear Chief Young:

My office did complete a thorough review of this officer involved shooting, wherein Officer Dylan Grimsley did discharge his service weapon four (4) times striking decedent Daniel Riedmann. Riedmann was the lone male passenger in the vehicle stopped by Officer Brandon Hollopeter on December 7, 2016. The Iowa Division of Criminal Investigation was the lead organization.

### ISSUE

**Was the use of deadly force by Officer Grimsley legally justified?**

### FACTS

On the evening of December 7, 2016, shortly after 10 p.m., Officer Hollopeter was at the Burger King restaurant located at 17<sup>th</sup> & Hamilton Blvd. when he noticed what he believed to be suspicious activity involving a suburban vehicle that was also parked in the Burger King parking lot. Officer Hollopeter was operating a fully marked SCPD patrol vehicle. Seated in the driver's seat of the suburban was a female with a male in the passenger seat. When Officer Hollopeter ran the license plates displayed on the suburban the registered owner, a female, came back as having a suspended license. Officer Hollopeter, using his observations, determined that the lady currently in the driver's seat of this vehicle did match the physical description of the suspended female registered owner.

After the suburban vehicle proceeded south on Hamilton Blvd. Officer Hollopeter did get in behind this vehicle and at approximately 10:22 p.m. did attempt to initiate a traffic stop on this vehicle in the area of W. 1<sup>st</sup> & Hamilton Blvd. Although the vehicle, which did come to a complete stop in the left turn lane at the intersection of Hamilton Blvd. and Tri-View Ave., the vehicle did not remain stopped and did continue through the light proceeding east on Tri-View. Officer Hollopeter also used his public address

system to try to notify the driver to stop as well. The suburban vehicle did proceed a short distance east on Tri-View coming to a stop at Central Mart convenience store.

Officers Jordan Burns and Dylan Grimsley, having heard of the attempt by Hollopeter to make a stop on this vehicle and that the vehicle was not stopping both proceeded to the location with Burns arriving first and Grimsley shortly thereafter. Burns was driving a marked patrol unit while in full patrol uniform and Grimsley was in an unmarked unit in plain clothes.

After the vehicle did come to a stop in the convenience store lot, Hollopeter approached to the driver side and spoke with the occupants announcing the purpose of the stop and requesting identification from the female driver as well as the male passenger. The driver and front seat passenger were the only occupants of the vehicle. Both did produce non-driver's license identification cards. As Hollopeter is speaking with the female driver and prior to him asking her to exit the vehicle, Burns approached the suburban on the passenger side and was able to view what he believed to be a small handgun in the rear passenger area directly behind the seated position of the male passenger. Burns did communicate this sighting to Hollopeter. Hollopeter then had the female passenger come to the back of the suburban where he did ask her if she was aware of any weapons being inside of the vehicle to which she responded no.

Upon running a background check on the female driver it was learned that her driving privileges were suspended however she was not the registered owner of the vehicle. A check of the male passenger identification revealed that he had an active warrant out of Polk County for parole violation and that further notes on his record revealed: 'violent tendencies'; 'usually armed and dangerous'. Hollopeter communicated these noted traits of the male passenger to both Burns and Grimsley and instructed them to keep a close eye on him. Following verification of the active warrant, decision was made by the officers to remove the male passenger from the vehicle.

Officers Hollopeter, Burns and Grimsley all approached the male passenger, now identified as Daniel Riedmann, on the passenger side of the vehicle. Several verbal commands were made to Riedmann to exit the vehicle to no avail. Riedmann became combative with the officers and continued to resist their commands to exit the vehicle. He did lock the passenger door to the vehicle. At the initial time of request for Riedmann to exit the vehicle only Officer Grimsley had his service weapon displayed but he had it positioned towards the ground and not at Riedmann. As the officers continued to make several verbal demands of Riedmann to exit the vehicle they did witness him make his first aggressive move towards his left side which immediately prompted the officers, all of whom are now fully aware of his 'violent tendencies', 'armed and dangerous' profile, and a possible sighting of a weapon inside the vehicle, to draw their service weapons and have them directed towards Riedmann. According to documented police radio traffic, at approximately 10:33:25 p.m. a request to send additional officers to the scene was made. It is clear that Riedmann heard the commands of the officers to exit the vehicle and to show his hands because he can be heard verbally responding that he was only attempting to "pull up his pants" and to "take off his seatbelt" when the officers drew their service weapons on him. The officers continued to verbally command Riedmann to exit the vehicle and to now show his hands. In spite of seeing the officers with their service weapons pointed at him, Riedmann continued to disobey their commands.

Because Riedmann was continuing to disobey their commands the officers thought that he might possibly try to jump to the driver's seat. Officer Burns proceeded to the driver side to extract the keys

from the ignition of the vehicle. Riedmann continued to make furtive movements with his hands irregardless of the presence of the officer's weapons drawn upon him and their continued commands for him to show his hands and for him to exit the vehicle. With Grimsley continuing to focus his attention and commands on Riedmann to show his hands, Hollopeter holsters his weapon and begins to make an attempt to open the passenger front door. Riedmann then makes a second sudden and aggressive move away from the officers causing Grimsley to discharge his service weapon four times at Riedmann out of fear for officer safety. Radio traffic shows that at approximately 10:33:38 p.m. a "shots fired" call goes out. It is clear that Riedmann understood the commands of the officers because he can be seen placing one of his hands out the window after shots are fired. As other officers arrive on scene Riedmann is taken from the front passenger seat and placed on the ground. A loaded .40 caliber Smith & Wesson handgun fell from the vehicle as Riedmann was being removed. The weapon is picked up off the ground, disabled and placed back on the passenger seat of the vehicle.<sup>i</sup> There were several officers present when this weapon fell to the ground. Video of this incident, including the actual shooting of Riedmann, is captured on Officer Burns' patrol dash-cam.

#### AUTOPSY

The autopsy of Reidmann revealed that he died from multiple gunshot wounds with the major contributor being the shot that entered from his right side below the armpit area, crossed right to left damaging several internal organs including his liver and heart. That bullet was extracted from the left chest area of the body during the autopsy. There were also two shots that entered and exited the right thigh and one shot that struck the left forearm resulting in a fracture of the ulna. An additional injury to the rear right calf area of the leg was determined to have occurred during one of the two shots to the thigh. The manner of death was ruled a homicide.

#### BALLISTICS

The four (4) spent casings found at the scene of this incident were examined and identified as having been fired from Officer Grimsley's service weapon, a Glock 17, 9mm semiautomatic. Two of the fired bullets located at the scene of this incident and the bullet extracted from the body during autopsy were examined and determined to have originated from 9mm Luger bullets, same as used by Officer Grimsley. The fourth bullet was not located. The three located fired bullets, although possessing similar class rifling characteristics to each other, could not be identified or eliminated as having been fired from Grimsley's weapon because of extensive contact damage.

#### TOXICOLOGY

Testing of Daniel Riedmann's blood and urine revealed positive results for Methamphetamine and Amphetamine. Alcohol was not detected.

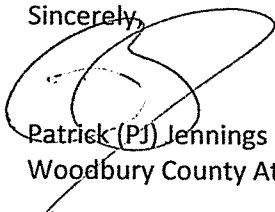
#### ANALYSIS

In order to be justified, the force used by the officer who fired the shot must have been reasonable. Reasonable force is that force which a reasonable person, in like circumstances, would judge to be necessary to prevent an injury or loss and can include deadly force if 1) it is reasonable to believe that such force is necessary to avoid injury or risk to one's life or safety or the life or safety of another; 2) it is reasonable to believe that such force is necessary to resist a like force or threat; 3) if an alternative course of action entails a risk of life or safety or the life or safety of a third party; or 4) the alternative

course of action requires one to retreat from one's dwelling or place of business. Iowa Code sections 704.1, 704.2 and 704.3 and *State v. Harris*, 222 NW2d 462 (Iowa 1974).<sup>i</sup> Reasonableness of a particular use of force must be judged from perspective of reasonable officer on the scene, and the calculus of reasonableness must allow for fact that police officers are often forced to make split-second judgments, in circumstances that are tense, uncertain and rapidly evolving. *Graham v Connor*, 490 US 386, 109 S.Ct. 1865 (1989).

The officers were faced with a rapidly evolving situation on the night of December 7, 2016. The vehicle that Riedmann was a passenger initially refused to come to a stop. Officer Burns had notified the other officers that he thought he had seen a gun directly behind the seated position of Riedmann.<sup>iii</sup> Upon verification of the identity of Riedmann, the officers on scene learned that he had an active warrant and that his history indicated violent tendencies as well as possibly being armed and dangerous. Riedmann was actively disobeying the officers commands to exit the vehicle and in fact locked his door. When Riedmann began to make aggressive movements inside the vehicle the officers did draw their weapons and continually instructed him to show his hands and exit the vehicle. Still Reidmann refused to obey those commands. It was not until Officer Grimsley felt that his life as well as the lives of the other two officers present were in danger that he discharged his firearm. It was reasonable under the circumstances known to Officer Grimsley for him to have fear of officer safety. The investigation revealed that it was only when Officer Grimsley could not see Riedmann's hands due to his continued aggressive movements inside the vehicle that Officer Grimsley felt that he was confronted with the need to use deadly force. If Riedmann had not continued to disobey the officers commands to show his hands and exit the vehicle, Officer Grimsley would not have been put in a position where officers lives were threatened. Had Riedmann not made is aggressive movements away from the officers which denied Grimsley the ability to see Riedmann's hands, Grimsley would not have been faced with the split-second decision resulting in him using deadly force for officer safety. Therefore, the death of Daniel Riedmann is determined to be a justifiable homicide under the laws of the State of Iowa.

Sincerely,



Patrick (PJ) Jennings  
Woodbury County Attorney

CC:

Iowa Division of Criminal Investigation  
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<sup>i</sup> A photo of this weapon is attached.

<sup>ii</sup> AG report 2/14/14 re: F. Navarette.

<sup>iii</sup> item turned out to be a gun holster.

